

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re KEVIN L. CARADINE,

Case No. [16-cv-00740-YGR](#) (PR)

ORDER OF DISMISSAL

The instant action was opened in error. The petition filed on February 12, 2016 to commence this action was actually intended to be an amended petition in *Caradine v. Peery*, Case No. C 14-1530 YGR (PR).

Petitioner currently has two separate habeas actions pending, although he meant to file only one action. Accordingly, the Clerk of the Court is directed to remove Petitioner's habeas petition form from this action along with his *in forma pauperis* application (Dkts. 1, 2) and all other documents filed by Petitioner. The Clerk is then directed to file them in his previously-filed action, Case No. C 14-1530 YGR (PR). The Clerk is further directed to mark his petition, *in forma pauperis* application and all other documents as filed on the dates they were received by the Court. Finally, the Clerk is directed to label his petition as his "Amended Petition" in Case No. C 14-1530 YGR (PR). The Court will review his amended petition and *in forma pauperis* application in a separate written Order in Case No. C 14-1530 YGR (PR).

Petitioner shall file no further documents in this action and shall file any documents concerning his habeas action in Case No. C 14-1530 YGR (PR).

The present action is DISMISSED because it was opened in error. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: February 23, 2016


YVONNE GONZALEZ ROGERS
United States District Judge